

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DONNA BROWN

PLAINTIFF

v.

CIVIL ACTION NO. 4:22cv187-SA-DAS

NEELKANTH HOSPITALITY, LLC D/B/A DAYS INN

DEFENDANT

COMPLAINT
JURY TRIAL DEMANDED

COMES NOW the Plaintiff, Donna Brown, by and through her counsel, Watson & Norris, PLLC, and files this action to recover damages for violations of her rights under the Fair Labor Standards Act against Defendant for failing to properly pay Plaintiff overtime wages. In support of this cause, the Plaintiff would show unto the Court the following facts to-wit:

THE PARTIES

1. Plaintiff, Donna Brown, is an adult male who resides in Washington County, Mississippi.

2. Defendant, Neelkanth Hospitality, LLC d/b/a Days Inn, is a Mississippi limited liability corporation that may be served with process by serving its registered agent: Robert N. Warrington, 923 Washington Avenue, Greenville, Mississippi 38701.

JURISDICTION AND VENUE

3. This Court has federal question jurisdiction.

4. Jurisdiction is proper as the claims are brought pursuant to the FLSA to recover unpaid overtime wages, an additional equal amount as liquidated damages, obtain declaratory relief, and reasonable attorney's fees and costs.

5. The Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §1337

and the FLSA, 29 U.S.C. §216(b).

STATEMENT OF FACTS

6. Plaintiff is a 43-year-old female resident of Washington County, Mississippi.
7. Plaintiff was hired on October 19, 2019, as a Manager at Neelkanth Hospitality, LLC (NH) d/b/a Days Inn.
8. Defendant is a hotel that has revenues of more than \$500,000 per year.
9. Plaintiff is paid a salary of \$28,000 per year.
10. In her position at NH, Plaintiff must be available at all times of the day and night.
11. There are times when Plaintiff is called to come in to work in the middle of the night.
12. Plaintiff averages approximately 60-hour work weeks.
13. Plaintiff typically works eight to ten hours per days, seven days per week.
14. Typically, Plaintiff is required to work four to five hours per week from home.
15. At no time has Defendant ever paid Plaintiff overtime wages when she works more than 40 hours in a week.

CAUSE OF ACTION

COUNT I: VIOLATION OF THE FAIR LABOR STANDARDS ACT

16. Plaintiff alleges and incorporates all averments set forth in paragraphs 1 through 15 above as if fully incorporated herein.
17. Plaintiff was a non-exempt employee and subject to the provisions of the Fair Labor Standards Act as it pertains to whether or not Plaintiff was entitled to overtime pay for all overtime hours worked.

18. The Fair Labor Standards Act requires that employees be paid an overtime premium at a rate not less than one and one-half ($1 \frac{1}{2}$) times the regular rate at which they are employed for all hours in excess of forty (40) hours in a work week. 29 U.S.C. § 207(a).

19. Plaintiff has not been properly paid overtime compensation under the Fair Labor Standards Act at a rate of $1 \frac{1}{2}$ her regular rate of pay.

20. The acts of the Defendant constitute a willful intentional violation of the Fair Labor Standards Act and entitle Plaintiff to liquidated damages and attorney fees.

PRAYER FOR RELIEF

WHEREFORE PREMISES CONSIDERED, Plaintiff respectfully prays that upon hearing of this matter by a jury, the Plaintiff be granted the following relief in an amount to be determined by the jury:

1. Unpaid overtime wages;
2. Liquidated damages;
3. Attorney's fees;
4. Lost benefits;
5. Pre-judgment and post-judgment interest;
6. Costs and expenses; and
7. Such further relief as is deemed just and proper.

THIS the 8th day of December 2022.

Respectfully submitted,

DONNA BROWN, Plaintiff

By: /s/Louis H. Watson, Jr.
Louis H. Watson, Jr. (MB# 9053)
Nick Norris (MB# 101574)
Attorneys for Plaintiff

OF COUNSEL:

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